



1-24-03

DAC

7

Docket No.
694231/0011
JJD:JFD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: McFaddin et al.

Group Art Unit: 2152

Application No.: 10/077,282

Examiner: Not Yet Assigned

Filed: February 14, 2002

For: **METHOD AND SYSTEM FOR DELIVERING A COMPOSITE
INFORMATION STREAM OVER A COMPUTER NETWORK**

Date: January 22, 2003

RECEIVED

JAN 27 2003

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR § 1.47(a)

This Request for Reconsideration of Petition Under 37 CFR § 1.47(a) ("Request") is being submitted in response to a "Decision Refusing Status Under 37 CFR § 1.47(a)" ("Decision") mailed on November 22, 2002. A response to the Decision is due by January 22, 2002. Accordingly, this Request is being timely filed.

Remarks

Applicants submitted a "Petition To Accept The Signature Of Two Joint Inventors On Behalf Of Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In The Application (37 CFR § 1.47(a))" ("Petition") on October 10, 2002. Submitted along with, and in support of, the Petition were Declarations executed by the signing inventors, Justin P. Madison and Michael D. Bigby, as well as a Declaration executed by the attorney of record, James J. DeCarlo. Also submitted were several exhibits including a copy of the application and inventor's declaration sent to the non-signing inventor, James McFaddin, as well as copies of e-mail

correspondence providing evidence that Mr. McFaddin had received the application, but refused to sign the declaration.

Subsequently, Applicants received the Decision from the USPTO refusing status under 37 CFR § 1.47(a). In sum, the Decision alleged that of the five elements required for a grantable Petition, Applicants had satisfied requirements two through five, but had not submitted sufficient evidence to satisfy element one. Specifically, the Decision alleged that Applicants had “not submitted sufficient evidence to prove that a copy of the application in serial no. 10/077,282 was sent or given to the non-signing inventor.”

The Decision further generally stated that notwithstanding the fact that Applicants had submitted both copies of the parent application (serial no. 09/859,562) with a declaration, and a copy of the present child application (serial no. 10/077,282), to the non-signing inventor, Applicants had, however, only submitted a copy of parent application serial no. 09/859,562 and corresponding declaration and refusals to sign along with the Petition, and not a copy of the present child application serial no. 10/077,282.

The Decision states that in response to the Decision, and to provide for a grantable petition, Applicants should submit a copy of a cover letter transmitting the application papers of the present application to the non-signing inventor, as well as proof that the non-signing inventor refused to sign the declaration in the present application serial no. 10/077,282 after being sent or given a copy of the application papers. The decision also states that if the refusal was made orally to a person, then that person may provide details of the refusal in a declaration.

Accordingly, along with this Request, Applicants submit copies of 1) application serial no. 10/077,282 (including specification, claims and drawings) as sent to the attorney for the non-signing inventor; 2) an inventor's declaration sent along with application serial no. 10/077,282 for execution by the non-signing inventor; 3) a cover letter to the attorney for the non-signing inventor; 4) a confirmation from Federal Express showing that the above-listed

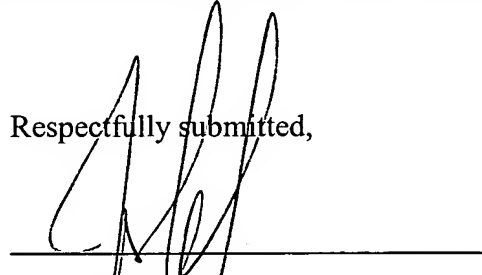
items were received and signed for at the office of the non-signing inventor's attorney; and 5) a "Supplemental Declaration of James J. DeCarlo In Support of Petition To Accept The Signature Of Two Joint Inventors On Behalf Of Themselves And On Behalf Of A Joint Inventor Who Refuses To Join In the Application (37 CFR § 1.47(a)),” by the Attorney of Record, James J. DeCarlo, providing further evidence of the non-signing inventor's refusal to sign the declaration in the present application, serial no. 10/077,282.

It is respectfully submitted that all of the requirements for the previously submitted Petition Under 37 CFR § 1.47(a) have been completed and issuance of a decision granting status under 37 CFR § 1.47(a) is hereby requested.

Authorization is hereby given to charge the requisite fee for this Request, as well as any deficiencies, to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please do not hesitate to contact applicant's attorney at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. DeCarlo', is written over a horizontal line.

James J. DeCarlo
Registration No. 36,120
Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
212-806-5400